

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

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UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

CLERK  
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ALLEN RHEAUME, )  
)  
Petitioner, )  
)  
v. )  
)  
ANDREW PALLITO, SUSAN )  
ONDERWYZER, JACKIE KOTKIN, )  
DAVID PEEBLES, MICHELE )  
YOUNG, CULLEN BULLARD, )  
KEITH TALLON, KRISTA PRIOR, )  
MARSHALL RICH, TOM ROWDEN, )  
SANDRA OLBERG, TAMMY )  
KENNISON, GEORGIA CUMMINGS, )  
JERRI BROUILLETTE, TAMMY )  
SMITH, STEVE HOKE, ANITA )  
CARBONELL, LYNN ROBERTO, )  
SUE RANSON KELLY, EDWARD )  
HOLTROP, and HEATHER WARD, )  
)  
Defendants. )

Case No. 5:11-cv-72

**ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**  
(Docs. 27 & 30)

This matter came before the court for a review of the Magistrate Judge's July 8, 2011 Report and Recommendation ("R & R") in the above-captioned matter, wherein the Magistrate Judge recommended the court deny Petitioner's motion for a temporary restraining order. (Docs. 27 & 30.) Neither party has objected to the R & R, and the deadline for doing so has expired.


A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); *Cullen v. United States*, 194 F.3d 401, 405 (2d Cir.

1999). The district judge may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); *accord Cullen*, 194 F.3d at 405. A district judge, however, is not required to review the factual or legal conclusions of the magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. *See Campbell v. United States Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974), *cert. denied*, 419 U.S. 879 (1974).

After careful review of the file and the Magistrate Judge’s Report and Recommendation, the court hereby ADOPTS the Magistrate Judge’s findings and recommendation in full. The Magistrate Judge properly determined that Petitioner has failed to satisfy the requirements of Fed. R. Civ. P. 65(b), because he did not file an affidavit or verified complaint “clearly” showing “that immediate and irreparable injury, loss, or damage will result” to him before the adverse party can be heard. Additionally, Petitioner failed to submit certification as to any efforts to provide notice to the adverse party, and the reasons notice should not be required. Accordingly, the court hereby DENIES Petitioner’s motion for a temporary restraining order.

SO ORDERED.

Dated at Rutland, in the District of Vermont, this 31<sup>st</sup> day of August, 2011.

  
Christina Reiss, Chief Judge  
United States District Court